



Docket No.: 95-475

PATENT

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6/2/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

KO et al.

Serial No.: 10/057,889

Filed: January 29, 2002

Group Art Unit: 2645

Examiner: ANWAH, Olisa

For: ARRANGEMENT FOR LOCAL RECORDING OF A VOICE MESSAGE FOR
DELIVERY TO DESTINATION MESSAGING SYSTEM VIA AN IP NETWORK

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAY 2 8 2004

Technology Center 2600

Sir:

In response to the non-final Official Action mailed February 26, 2004, applicant hereby submits the following remarks.

Reconsideration and allowance of the above-reference application are respectfully requested.

Claims 5-13, 18-24, 29-37, and 42-54 are unchanged and remain pending in the application.

Claims 5-7, 9-11, 13, 18-20, 22-24, 29-31, 33-35, 37, 42-44, 46-48, and 50 stand rejected under 35 USC §102(e) in view of U.S. Patent Publication 2002/0159569 by Hasegawa. This rejection is respectfully traversed.

Each of the independent claims 5, 18, 29, and 42 specify that the recording device at the calling party premises is configured for retrieving the messaging subscriber attributes by sending

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onto an IP network a query according to LDAP protocol for the messaging subscriber attributes, based on a dialed number input by the calling party.

Hence, the recording device initiates its own LDAP query, enabling the recording device to retrieve the messaging subscriber attributes based on the dialed number. Moreover, the initiation of an LDAP query based on the dialed number input by the calling party enables use of relevant hierarchal searching techniques, enabling the LDAP query to be routed throughout the IP network as needed to locate the messaging subscriber attributes, even if the destination subscriber is a subscriber of a remote network (see, e.g., page 9, line 26 to page 10, line 2).

These and other features are neither disclosed nor suggested in the applied prior art.

Hasegawa neither discloses nor suggests the claimed feature of sending onto the IP network an open-protocol query according to LDAP protocol by the recording device, as claimed. Rather, Hasegawa merely describes that LDAP may be used to locate message systems storing different media type messages:

Message servers can be distributed in a large network with subscribers using different message servers. In particular, in a multimedia system environment, mobile handset 100 can subscribe to different servers for different media like voice, video, audio, image, email, text, data, etc. A directory service, such as Lightweight Directory Access Protocol (LDAP), can be used in the IP network to locate message systems storing different media type messages.

(Page 3, paragraph 28).

Hence, Hasegawa merely describes how different message servers may be implemented for different media types, and that the message servers 112 may be implemented using multiple message servers that rely on LDAP directories to track message systems storing different media type messages.

However, Hasegawa still requires the handset 100 to send a query directly to the home resource register (HRR) database 114, which provides location information of the message storage system (e.g., 112) and message service information (see, e.g., page 3, paragraph 31: “the handset only needs to query the HRR 114 for message service information of all message servers associated with the handset”). If the HRR 114 does not contain the necessary address of a home message storage system, the HRR 114 sends a query 206 to the message storage systems 112. (See, e.g., paragraphs 55-58).

As described above, Hasegawa discloses that the LDAP directory is used solely within the implementation of the message storage system 112 as a distributed system based on media types. Hence, any LDAP queries are limited within the message storage system 112.

There is no disclosure or suggestion that the LDAP directory would be implemented in the HRR 114, especially since there is no disclosure or suggestion whatsoever to configure the handset 100 to output queries according to LDAP protocol, as claimed.

Hence, Hasegawa neither discloses nor suggests that the recording device issues the LDAP query, as claimed.

Further, any further attempt to argue inherency would be improper, since implementing the LDAP functionality in the handset of Hasegawa would not be a necessity: USP 6,014,711 to Brown describes that the translation service provider 10 issues the LDAP query to the directory servers 34, which respond to the LDAP query with a destination address for the electronic message for use by the translation service provider 10 in supplying the voice message to the destination voice mailbox.

Hence, the rejection of independent claims 5, 18, 29, and 42 should be withdrawn because it fails to demonstrate that Hasegawa discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

Applicant further traverses the rejection of claims 7, 20, 31, and 44: there is no disclosure or suggestion in Hasegawa to send the recorded message, via the IP data network, to the destination message store as a media attachment to an e-mail message. In fact, Hasegawa describes in paragraph 60 that "the subscriber message can be segmented into one or more packets, the packets being transferred via Data messages 210." Hence, Hasegawa explicitly describes an arrangement (multiple data messages) that precludes any similarity to the claimed media attachment to an e-mail message. (See also paragraphs 61-69 indicating data message 210 is not a media attachment to an e-mail message). — ②

For these and other reasons, the §102 rejection of claims 7, 20, 31, and 44 should be withdrawn.

Applicant further traverses the rejection of claims 9, 22, 33, and 46: there is no disclosure or suggestion in Hasegawa to retrieve the messaging subscriber attributes from a gateway server configured for controlling the establishment of the voice grade media connection, as claimed. ③

Figures 3 and 4 of Hasegawa, cited by the Examiner, provide no indication that the messaging

subscriber attributes are retrieved from a gateway server, as claimed; to the contrary, Figures 3 and 4 show the handset interacting only with the HRR 114 and the message storage system 112.

Moreover, Figure 2 of Hasegawa illustrates that the gateway 108 is distinct from the base station 104: Hasegawa explicitly teaches that it is the base station 104 that controls establishment of the voice grade media connection, not the gateway 108 (paragraph 24).

For these and other reasons, the §102 rejection of claims 9, 22, 33, and 46 should be withdrawn.

Claims 8, 12, 21, 32, 36, 45, and 49 were rejected under 35 USC §103(a) in view of Hasegawa and U.S. Patent No. 6,014,711 to Brown. It is believed these claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-475, and please credit any excess fees to such deposit account.

Respectfully submitted,



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